

Court No. - 49

Case :- CRIMINAL MISC. WRIT PETITION No. - 16394 of 2016

Petitioner :- Jugendrapal Singh

Respondent :- State Of U.P. And 3 Others

Counsel for Petitioner :- Aklank Kumar Jain

Counsel for Respondent :- G.A.

Hon'ble Ramesh Sinha,J.

Hon'ble Shamsher Bahadur Singh,J.

Heard Sri Aklank Kumar Jain, learned counsel for the petitioner, Sri Vikas Sahai, learned A.G.A. appearing for the State and perused the record.

The relief sought in this petition is for quashing of the F.I.R. dated 21.3.2016 registered at Case Crime No.293 of 2016, under Sections 409, 420, 467, 468, 471 I.P.C., Police Station-Tundala, District Firozabad.

It has been submitted by the learned counsel for the petitioner that the petitioner is officiating principal of the institution and the respondent no.4 is acting principal. He further submitted that the dispute between the parties has already *sub judice* before this Court in writ jurisdiction and moreover, the respondent no.4 has also not been permitted by the DIOS to lodge present FIR.

The Full Bench of this court in ***Ajit Singh @ Muraha v. State of U.P. and others (2006 (56) ACC 433)*** reiterated the view taken by the earlier Full Bench in ***Satya Pal v. State of U.P. and others (2000 Cr.L.J. 569)*** that there can be no interference with the investigation or order staying arrest unless cognizable offence is not ex-facie discernible from the allegations contained in the F.I.R. or there is any statutory restriction operating on the power of the Police to investigate a case as laid down by the Apex Court in various decisions including ***State of Haryana v. Bhajan Lal and others (AIR 1992 SC 604)*** attended with further elaboration that observations and directions contained in ***Joginder Kumar's case (Joginder Kumar v. State of U.P. and others (1994) 4 SCC 260*** contradict extension to the power of the High Court to stay arrest or to quash an F.I.R. under article 226 and the same are intended to be observed in compliance by the Police, the breach whereof, it has been further elaborated, may entail action by way of departmental proceeding or action under the contempt of Court Act. The Full Bench has further held that it is not permissible to appropriate the writ jurisdiction under Article 226 of the constitution as an alternative to anticipatory bail which is not invocable in the State of U.P. attended with further observation that what is not permissible to do directly cannot be done indirectly.

The learned counsel for the petitioner has not brought forth anything cogent or convincing to manifest that no cognizable offence is disclosed prima facie on the allegations contained in the F.I.R. or that there was any statutory restriction operating on the police to investigate the case.

Having scanned the allegations contained in the F.I.R. the Court is of the view that the allegations in the F.I.R. do disclose commission of cognizable offence and, therefore, no ground is made out warranting interference by this Court. The prayer for quashing the same is refused.

The petition lacks merit and is accordingly, dismissed.

Order Date :- 15.7.2016/S.S.

[Shamsher Bahadur Singh, J.]

[Ramesh Sinha, J.]